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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUL 12 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EDWARD W. MOLL

Appeal No. 2002-1635
Application No. 08/835,625

ORDER REMANDING TO EXAMINER

On October 18, 1999, appellant filed an Information Disclosure Statement (IDS) (Paper No. 16). It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Also, in the final rejection (Paper No. 21) filed August 28, 2000, pages 10-11, the examiner rejected claims 44 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Junker in view of Adachi. In the examiner's answer (Paper No. 25), filed April 23,

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2001, page 3, paragraph (9), the examiner did not list the Adachi reference as prior art, nor did the examiner mention or discuss the rejection of claims 44 and 45 over Junker in view of Adachi. The examiner must give a clear indication as to the status of this rejection.

In addition, according to the amendment (Paper No. 15) filed October 12, 1999, it is noted that the brief (Paper No. 24) filed February 7, 2001, is defective, for it no longer contains an accurate appendix of claim 4, pursuant to 37 § 1.192(c)(9)(1997).

Claim 4, line 3, replace "such emissions" with
--biomagnetism or electrical potentials--

Accordingly, it is

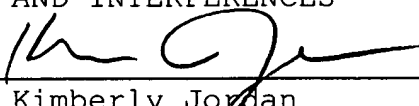
ORDERED that this application be remanded to the examiner for: 1) consideration of the Information Disclosure Statement (Paper No. 16); 2) status of the rejection of claims 44 and 45; 3) correction of appendix claim 4; and 4) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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